

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION


No. 4:04-CR-56-2H
No. 4:07-CV-186-H

| | | |
|---------------------------|---|--------------|
| NATHAN PETWAY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

On November 18, 2010, an order was entered granting the government's motion to dismiss petitioner's motion to vacate his sentence brought pursuant to 28 U.S.C. § 2255. On November 29, 2010, this court entered an order denying a motion for certificate of appealability. Currently before the court is petitioner's motion for a certificate of appealability filed February 16, 2011. Having reviewed petitioner's motion, the court finds no reason to alter its prior order, and the motion for certificate of appealability [DE #162] is DENIED. Additionally, petitioner's motion for an extension of time to file a motion for a certificate of appealability [DE #161]

is DISMISSED AS MOOT.

This 5th day of April 2011.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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